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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,156	12/22/2000	Charles W. Pennington	061404-1090	2334

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EXAMINER

QUASH, ANTHONY G

ART UNIT	PAPER NUMBER
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2881

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/746,156	Applicant(s) CHARLES PENNINGTON, GEORGE CARVER	
	Examiner Anthony Quash	Art Unit 2881	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-12,17 and 19-35

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 3. Applicant's reply has overcome the following rejection(s): The 102 rejections of Heuchemer (German Patent No. 3,905,870) Baumann (U.S. Patent No. 4,164,178, and Bump (U.S. Patent No. 5,667,268).

Continuation of 5. does NOT place the application in condition for allowance because: The the claims have not overcome the Meyer 4,016,096 reference. With respect to the applicants' arguments concerning the Meyer [096] reference not teaching "a closure lid which engages the inner surface of the container as recited in applicants' claims 1,17, and 25, it is the examiner's view that this is expressly taught. Meyer [096] clearly teaches the closure lid engaging the inner surface of the container as described in the claim. See the previous rejection, and figures 1,3-4. Independent claims 1,17, and 25 clearly state that there is a compression link which engages between the inner surface of the container and the closure lid. This is clearly taught in Meyer [096] figures 1,3-4. With respect to the applicants' arguments about Meyer [096] not teaching away from the claim, it is the examiner's view that this is incorrect. The claims clearly state that the compression link is located between the closure lid and the inner surface of the container, wherein the compression link is used to retain the lid in a sealing relationship with the inner surface of the container. This is also clearly taught in Meyer [096]. See Meyer [096] figs. 1,3-4. With respect to the applicants' claim that Meyer [096] does not teach a separate bearing member, the examiner would like to point out that there is no statement in claims about the bearing member being "a separate member" from the compression link (51). In addition, it is the examiner's view that the bearing member (52) does engage the closure lid. Since the applicants' reply has not overcome the Meyer [096] reference which was used to reject all of the pending claims, the amendment will not be entered.


JOHN R. LEE
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